

**THE VIRGINIA BOARD OF SOCIAL WORK
MINUTES
FRIDAY, JANUARY 20, 2012**

The Virginia Board of Social Work ("Board") meeting convened at 10:05 a.m. on Friday, January 20, 2012, at the Department of Health Professions, 9960 Mayland Drive, Richmond, Virginia. Wayne Martin, Chair called the meeting to order.

BOARD MEMBERS PRESENT: Wayne A. Martin, Chair
Jennifer Blosser
Willie T. Greene, Sr.
Yvonne Haynes
Susan Horne-Quatannens
Arthur Mayer
Catherine L. Moore
Nettie Simon-Owens
Patricia Smith-Solan

STAFF PRESENT: Howard Casway, Senior Assistant Attorney General
Catherine Chappell, Acting Executive Director
Sarah Georgen, Administrative Assistant
Patricia L. Larimer, Deputy Executive Director – Discipline
Charlotte Lenart, Administrative Assistant
Arne Owens, DHP Chief Deputy Director
Dianne Reynolds-Cane, DHP Director
Elaine Yeatts, Senior Policy Analyst

ORDERING OF AGENDA

The agenda was accepted as written.

PUBLIC COMMENT

There was no public comment.

APPROVAL OF MINUTES – October 28, 2011 Board Meeting

Ms. Horne-Quatannens moved that the minutes of the October 28, 2011, Board meeting be approved as written. The motion was seconded by Ms. Smith-Solan and passed.

DIRECTOR'S REPORT – Arne Owens

Mr. Owens stated that the General Assembly was currently in session and that the Department of Health Professions (the Agency) was tracking more than fifty bills and providing recommendations to the Governor.

Mr. Owens offered congratulations to Ms. Chappell on her recent appointment as Acting Executive Director of the Boards of Social Work, Counseling and Psychology. He advised that the search for a permanent Executive Director was in process and anticipated that the position would be filled in the next few months.

ACTING EXECUTIVE DIRECTOR'S REPORT- Catherine Chappell

Staffing Update. Ms. Chappell provided the Board with an update on staffing concerns. She reported that Evelyn Brown retired as Executive Director of the Board, effective December 31, 2011, and that staff was working efficiently and effectively to ensure a seamless transition following Ms. Brown's departure and the appointment of a permanent Executive Director.

Licensing Activity. She reported that during the last quarter, ending December 31, 2011, the Board was responsible for 5,669 licensees. Board staff received 169 new applications and registration requests and licensed 76 new licenses during the quarter. Ms. Chappell noted an increase in examination activity attributed to the regulatory requirement that an examination candidate pass the examination within two (2) years of approval. Candidates approved prior to the amendment of Regulation 18VAC115-20-70, were required to pass the examination by January 7, 2012, or reapply under the current laws and regulations. She reported that 65 candidates had taken the examination during the week preceding January 7, 2012, and that only 22 had passed the examination.

Outreach. Ms. Chappell reported that staff continues its outreach efforts to the Board's stakeholders with the goal of educating them on supervision and licensing requirements. There has been an increase in the quality of applications received, whereby the applications appear to be more complete and detailed. Additionally, she stated that Board staff is working with the Credentials Reviewers to provide complete, accurate, and comprehensive reviews so as to provide clear communication to applicants on documentation needed to complete their files.

Board Member Training Opportunities. Ms. Chappell provided information on opportunities through the Association of Social Work Boards (ASWB) for board member training, offered at no expense to the Board. She also noted that the ASWB's upcoming Spring Educational Meeting would focus on the "electronic world." While ASWB will fully fund the travel expenses of participants in these training events, preapproval of any board member or staff member travel must be obtained from the Secretary of Health and Human Services' office.

Financial Status Update. Ms. Chappell distributed a report of the Board's finances for the past month in an effort to provide transparency and for Board member information. She noted that as of December 31, 2011, sufficient cash flow existed, but that the Board was projecting a cash shortfall for December 31, 2012, which is an ongoing trend during the 18th month of each renewal cycle for the Board. Additional information on a proposed fee increase and change in renewal from biennial to annual to address the continuing concern for cash flow would be reported by Ms. Yeatts in her Regulatory/Legislative Update.

DISCIPLINE DEPUTY EXECUTIVE DIRECTOR'S REPORT – Patricia Larimer

Ms. Larimer reported that eleven (11) cases were being investigated by the Enforcement Division, with fourteen (14) cases at Board level to be reviewed for probable cause. Three (3) cases were at the Administrative Proceedings Division level for preparation of informal conference notices.

Ms. Larimer reported that Continuing Education audit letters were mailed to 1% of licensees on October 17, 2011. Ms. Larimer stated that 46 licensees were audited and only one (1) licensee failed to respond to

the audit letter. Of those audited, 38 licensees were in compliance, four (4) will receive confidential consent agreements, one (1) will receive a consent order and three (3) informal conferences will be scheduled.

PETITIONS FOR RULE-MAKING – Elaine Yeatts

Ms. Yeatts presented two (2) petitions for rule-making to the Board for consideration.

Grace Nozaki. Ms. Nozaki petitioned the Board to request definition of real-time webinars as Category I continuing education (CE) activity in the Regulations. The Board considered the petition and upon a motion by Ms. Simon-Owens and seconded by Ms. Smith-Solan, denied the request to initiate the rule-making process because the current regulations do not specify the delivery method for Category I CE. Provided the "formally organized learning activity" (workshops, seminars, conferences or courses) is offered and documented by one of the entities listed in regulation, such activity is acceptable for Category I CE. Those entities include universities or colleges, governmental agencies or school systems or professional organizations in the behavioral health field. The issue was not whether the seminar was delivered via the web or face-to-face, but whether it was offered by one of the entities approved to offer Category I CE. Board staff was instructed to respond to future similar requests accordingly.

In response to the Board's discussion on CE, Ms. Horne-Quatannens requested that the Regulatory Committee consider whether a specified amount of face-to-face hours of CE should be included in the Regulations.

Michael Hayter. Mr. Hayter filed petition to amend section 18VAC140-20-50, relating to requirements for supervision, in order to seek clarification of the status of an individual who had completed supervision but had not passed the examination for clinical social work licensure. The Board considered the petition and upon a motion by Ms. Horne-Quatannens, amended by Ms. Smith-Solan and duly seconded, the Board decided not to initiate the rule-making process in this regard and denied the application. Because the law in Virginia requires licensure for a clinical social worker, a person who has completed the requisite number of supervised hours, but has not passed the examination and been issued a license, may not engage in practice except as a supervisee under supervision or in an exempt setting. Regulations of the Board cannot be in conflict with the *Code of Virginia*.

REGULATORY/LEGISLATIVE UPDATE – Elaine Yeatts

Ms. Yeatts stated that two sets of proposed regulations for the Board were awaiting approval: proposed regulations to provide for fee increase and change in renewal cycle are at the Secretary's office; and proposed regulations to clarify licensure requirements are at the Governor's office.

She also provided a summary of General Assembly bills that related to the Agency for Board member information.

COMMITTEE REPORTS:

Regulatory Committee - Yvonne Haynes

Ms. Haynes announced that the Committee would be discussing the possible implementation of a master's-level social work license (LMSW) at their next meeting on February 24, 2012, as an option to individuals who may not intend to seek clinical level licensure, but wish licensure higher than the Licensed Social Worker level.

Additionally, the Regulatory Committee would consider adding language to the Regulations regarding distance therapy between a Virginia licensee and a client in another jurisdiction. The need for clarification of distance therapy as well distance supervision is a growing national trend, attributed to movement of clients with temporary work assignments, lack of providers/supervisors in rural communities, and the rapid growth of "electronic-world" communications.

Ms. Haynes added that the committee would also review CE requirements regarding face-to-face contact hours, as requested by Ms. Horne-Quatannens.

Credentials Committee – Catherine Moore

Ms. Moore reported that the Credentials Committee met on October 28, 2011, immediately following the last Board meeting and reviewed seven (7) licensure requests. The Committee approved one (1) application, denied five (5) applications due to insufficiently documented education and/or experience, and deferred one (1) application because additional information on the proposed supervised experience was needed.

The Committee discussed the continuing high volume of complex applications received in the Board office as well as concerns received from applicants, supervisors, and employers about the time needed to process applications. The Committee agreed that applications that arrive complete and properly documented are processed promptly. Only those files that are problematic require additional processing time.

The Committee reviewed Guidance Document 140-10 and the request from the Board to provide clarification as to why the document was developed. In response, the guidance document was revised to state that additional information on "clinical social work services" will be requested by the Board if the registration of supervision contract does not provide sufficient details on the proposed clinical supervised experience.

The Committee would convene immediately following the Board meeting to consider 18 files relating to clinical supervision, education, and examination.

NEW BUSINESS

Appointment of Nominating Committee – Wayne Martin

Mr. Martin advised that Ms. Blosser and Ms. Smith-Solan had agreed to serve on the Nominating Committee and would be preparing a slate of officers for the April 2012 Board meeting.

Distance Therapy – Susan Horne-Quatannens

Ms. Horne-Quatannens acknowledged that the Regulatory Committee would be considering distance therapy at their meeting on February 24, 2012, and would discuss the provision of social work services to a client in another jurisdiction. She commented that because of residency/domicile issues with temporary work assignments, practitioners must consider transfer of care rather than continuation of care. Mr. Casway commented that Regulation 18VAC140-20-150 states that the standards of practice are applicable regardless of the delivery method, whether in person, by telephone, or electronically.

Mr. Martin requested that discussion of distance therapy be continued at the next Board meeting under Old Business.

Correspondence from Arlington Department of Human Services

The Board considered correspondence from Susanne Eisner, Director at the Department of Human Services, Arlington County, Virginia. Ms. Eisner requested that the Board consider revising Guidance Document 140-10 to address the specific services that must be part of each supervised experience towards clinical social work licensure. The Board agreed that intervention services are a part of the definition of clinical social work services; however, the scope of the experience must be broader than preventative and early intervention services and treatment services. The Board's guidance document was drafted to clarify the regulations but did not supersede Regulation 18VAC140-20-52. Ms. Chappell would prepare a response from the Board to address Ms. Eisner's concerns

OLD BUSINESS

None.

Credentials Informal Conference Recommended Decision on Applicant (EXECUTIVE SESSION)

Closed Session:

Ms. Smith-Solan moved that the Board of Social Work convene in closed meeting pursuant to §2.2 3711(A)(7) of the Code of Virginia in order to consult with legal counsel on the recommendation from the Credentials IFC Committee. She further moved that Catherine Chappell, Patricia Larimer, Howard Casway, Sarah Georgen and Charlotte Lenart attend the closed meeting because their presence in the closed meeting was deemed necessary and they would aid the Board in its consideration of the matter. The motion was seconded and carried.

Reconvene:

Ms. Smith-Solan moved that pursuant to §2.2-3712 of the Code of Virginia, that the Board heard, discussed, or considered only those public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act and only such public business matters as identified in the original motion. The Committee agreed unanimously.

Janine Harrigan: The IFC Credentials Committee concluded that Janine Harrigan, LCSW applicant, failed to satisfy the educational requirements of 18VAC 140-20-50(A)(1) and (A)(2) of the Regulations and recommended that her application by examination be denied. Ms. Horne-Quatannens made a motion to accept the recommendation as presented. Ms. Blosser seconded the motion. The motion passed, with two members abstaining (Mayer, Haynes).

Angela Mitchell: The IFC Credentials Committee concluded that Angela Mitchell, LCSW applicant, failed to provide evidence that she completed 3,000 hours of post-Master's degree clinical social work experience under supervision as defined in 18VAC 140-20-10 of the Regulations and recommended that her application by examination be denied. Ms. Smith-Solan made a motion to accept the recommendation as presented. Ms. Moore seconded the motion. The motion passed, with two members abstaining (Mayer, Haynes).

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 12:20 p.m.

Wayne Martin, LCSW

Catherine Chappell, Acting Executive Director